PTO/SB/21 (09-04)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. **Application Number** 10/677,399 Filing Date TRANSMITTAL 10/01/2003 First Named Inventor David V. Smith **FORM** Art Unit 3643 **Examiner Name** Robert P. Swiatek (to be used for all correspondence after initial filing) Attorney Docket Number HM-87423 Total Number of Pages in This Submission **ENCLOSURES** (Check all that apply) After Allowance Communication to TC Fee Transmittal Form Drawing(s) Appeal Communication to Board Licensing-related Papers of Appeals and Interferences Fee Attached Appeal Communication to TC **√** (Appeal Notice, Brief, Reply Brief) Petition Amendment/Reply Petition to Convert to a Proprietary Information **Provisional Application** After Final Power of Attorney, Revocation Status Letter Change of Correspondence Address Affidavits/declaration(s) Other Enclosure(s) (please Identify **Terminal Disclaimer** Extension of Time Request below): Amendment "C" after Notice of Allowance of Request for Refund **Express Abandonment Request** 3/31/05; Return receipt postcard CD, Number of CD(s) Information Disclosure Statement Landscape Table on CD Remarks Certified Copy of Priority Document(s) Reply to Missing Parts/ Incomplete Application Reply to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm Name Nordman, Cormany, Hair & Compton Signature Printed name Jeffrey F Reg. No. Date 30,044 May 19, 2005 CERTIFICATE OF TRANSMISSION/MAILING I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: Signature pools

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Tawny Bryant-Schreck

Typed or printed name

Date

05/19/2005



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No:	10/677,399)
Applicant:	David V. Smith) Robert P. Swiatek) Patent Examiner) Art Unit 3643))
Filed:	October 1, 2003	
Title:	ELECTRIC FISH BARRIER FOR WATER INTAKES AT VARYING DEPTHS	
Atty Dkt No.	: HM-87423))

AMENDMENT "C" AFTER NOTICE OF ALLOWANCE DATED MARCH 31, 2005

Mail Stop – NON-FEE AMENDMENT Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Please enter the following amendment to dependent claim 40. The amendment is intended to ensure that applicant has adequate protection for the claimed invention, in particular, the invention as shown in Fig. 7. It can be seen that no new matter has been added, and that the amendment raises no new issues that would require an additional search.

Amendments to the Claims: Begin on page 2 of this paper.

Remarks Begin on page 6 of this paper.